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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Benny Dean Bartee, Sr.,

11 Plaintiff,

No. CIV S-04-0965 DFL PAN P

12 vs.

13 Stephen Kennedy, et al.,

14 Defendants.

ORDER

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16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action  
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On May 31, 2005, the magistrate judge filed findings and recommendations herein  
20 which were served on plaintiff and which contained notice to plaintiff that any objections to the  
21 findings and recommendations were to be filed within twenty days. Plaintiff has not filed  
22 objections to the findings and recommendations.

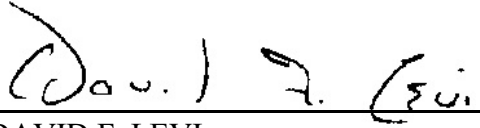
23 The court has reviewed the file and finds the findings and recommendations to be  
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
25 ORDERED that:

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1           1. The findings and recommendations filed May 31, 2005, are adopted in full; and

2           2. This action is dismissed.

3 DATED: 11/11/2005

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7 DAVID F. LEVI  
8 United States District Judge  
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